

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO,)
Plaintiff,)
v.) Case No. 03-CV-12359 MLW
METSO PAPER, INC. AND)
VALMET CONVERTING, INC.)
Defendants.)

**ATTACHMENTS 6 - 10 TO
STATEMENT OF MATERIAL FACTS OF RECORD
TO WHICH THERE IS NO GENUINE ISSUE**

ATTACHMENT 6

1 Volume I
2 Pages 1 to 69
3 Exhibits 1 to 6

4 UNITED STATES DISTRICT COURT

5 DISTRICT OF MASSACHUSETTS

6 CIRIACO PUCILLO, - - - - -
7 Plaintiff(s),

8 v.

Civil Action
9 No. 03-CV-12359 MLW

METSO PAPER INC., AND
VALMET CONVERTING, INC.,
9 Defendant(s).

10 - - - - -
11
12 DEPOSITION OF GREG HAGOPIAN, a witness called by
13 counsel for the Plaintiff, taken pursuant to the
14 applicable rules, before Diane L. McElwee, Registered
15 Merit Reporter and Notary Public in and for the
16 Commonwealth of Massachusetts, at the Offices of
17 Proma Technologies, 24 Forge Park, Franklin,
18 Massachusetts, on Friday, February 4, 2005,
19 commencing at 1:10 PM.

20
21
22
23 JAMES GIBBONS & ASSOCIATES
24 617-428-0402

1 Q Can you please tell me what your duties are
2 as an electrical engineer at Proma?

3 A I oversee the installation, upkeep,
4 maintenance and improvement of electrical equipment
5 in plant.

6 Q What are your responsibilities as far as
7 implementing those duties?

8 Is that a bad question?

9 A Could you repeat that again?

10 Q Could you tell me on a day-to-day basis what
11 it is basically that you do?

12 A I take care of the responsibilities of
13 electrical equipment in the plant.

14 Q Do you do regular daily inspections of the
15 equipment, or is it on an as-needed basis?

16 A On an as-needed basis.

17 Q If something goes wrong, that's when they
18 call you?

19 A Yes.

20 Q Do your responsibilities include the
21 purchasing of new equipment?

22 A Yes.

23 Q Do you enter into service contracts?

24 A No.

1 been something you would have been involved with?

2 A I don't know.

3 Q How many drives does the Atlas Slitter No. 1
4 have?

5 A Three.

6 Q Can you describe the three drives on the
7 Atlas slitter, where they are located?

8 A One is located at the front or the rewind
9 end of the machine. That's call the main slitter
10 drive.

11 Q Okay.

12 A Two drives are located at the unwind, one on
13 the operator side and one on the drive side.

14 Q The second and third drives, do they operate
15 the rewind arms, or do they provide the source of
16 power for the rewind arms?

17 A Say that again.

18 Q Well, I guess I am using the wrong
19 vocabulary. I am going to back it up a bit.

20 Within each of the rewind arms --
21 strike that.

22 Are you familiar with the mother boards
23 in the Atlas Slitter No. 1?

24 A No.

1 Q When you say those drives are on the driven
2 arms, are the driven arms and the rewind arms the
3 same thing?

4 A I don't know.

5 Q What do the driven arms attach to or hold?
6 Do the driven arms hold the core in between them?

7 A Yes.

8 Q So if you had two arms with the core in
9 between, you would consider those arms to be the
10 driven arms, correct?

11 A Yes.

12 Q And you said there is a drive in those arms?

13 A Yes.

14 Q Does each arm have its own drive?

15 A Each driven arm has its own drive.

16 Q If there is a problem with one of those
17 driven arms, do you replace a drive board or mother
18 board within those arms?

19 A I don't know.

20 Q Have you ever seen any of the Infranor
21 mother boards that go into those arms?

22 A No.

23 Q It's my understanding there are cabinets in
24 which the inventory is kept. Are you familiar with

1 Q Electrical schematics?

2 A No.

3 Q You brought with you today a binder,
4 correct?

5 A Yes.

6 Q It's about a three inches thick and is
7 oversized and contains what appear to be electrical
8 drawings and information, right?

9 A Yes.

10 Q What is this binder? Where is it kept, and
11 what is it referred to as?

12 A This binder contains the Atlas electrical
13 schematics. It's kept at the machine next to
14 electrical control.

15 Q Next to the machine for reference?

16 A Primarily.

17 Q Who refers to that binder, you in your
18 capacity?

19 A Yes.

20 Q Do the licensed electricians refer to that
21 binder?

22 A I don't know.

23 Q In your capacity, when you refer to that
24 binder, what are you looking for?

1 generation?

2 A The term daughter board means that's going
3 to be mounted onto something, a mother board or a
4 parent board.

5 Q So it would mean it's attached to it --

6 A Yes.

7 Q -- in some fashion.

8 Can you tell from Exhibit No. 6 whether
9 there is a daughter board that gets attached to a
10 mother board, or do you need to look at the physical
11 boards to determine that?

12 A I wouldn't know if this is a daughter board
13 or not.

14 Q If you look at Exhibit No. 6, in the upper
15 right-hand quadrant of the document is a circle
16 around the No. 2, correct?

17 A I see it.

18 Q In pen. And there is a line that connects
19 that circle around No. 2 to the notes on the bottom
20 left-hand quadrant, correct?

21 A Yes.

22 Q The notes on the bottom left-hand quadrant
23 say, OS13 for use with SMVE 2420, bracket, M55 and,
24 bracket, M59; Set S1 to Position 1 for M55; Set S1 to

1 Position 2 for M59.

2 See that note?

3 A I see the note.

4 Q Does that note on the bottom left-hand
5 quadrant refer to the number S1 in the upper
6 right-hand quadrant?

7 A From what you just read I would say yes.

8 Q From your training and education as an
9 electrical engineer you would say yes, too?

10 A Yes.

11 Q Somebody drew a line from a note in the
12 bottom left hand to the upper quadrant, right?

13 A That's correct.

14 Q Do you know who did that?

15 A No.

16 Q Do you know if you did that?

17 A Yes. No, I didn't.

18 Q You don't know who did?

19 A Correct.

20 Q But it was done before you came into this
21 room today?

22 A Yes.

23 Q In the upper right-hand quadrant under the
24 S1 there is some schematics. There is lines

1 connecting to other lines and positions you can put
2 the lines, correct?

3 A Correct.

4 Q As a degreed electrical engineer, what does
5 that tell you?

6 A That there is a switch called S1 with three
7 terminals on it and two positions.

8 Q Okay. Just so we have the same terminology,
9 what's a terminal?

10 A An entry point.

11 Q So there is two positions. So the switch
12 would connect Point 3 to Point 2 or Point 3 to
13 Point 1, correct?

14 A From what's depicted here, yes.

15 Q Exhibit 6 is saying the switch has to be set
16 to a particular position, right?

17 MS. COUNIHAN: I will object. Go
18 ahead.

19 Q S1 you told me was a switch?

20 A Yes.

21 Q And there is a position called Position
22 No. 2 and a position called Position No. 1 on this
23 drawing, correct?

24 A Correct.

1 Q What that switch has to do is connect
2 Terminal 3 to Position 2 or connect Terminal 3 to
3 Position 1, correct?

4 A From what's shown in this drawing, yes.

5 Q In the bottom left-hand corner, the notes
6 tell you when you use Position No. 1 and when to use
7 Position No. 2, correct?

8 A Correct.

9 Q My understanding from your prior testimony
10 is that you have never actually changed an Infranor
11 drive on the driven arms, correct?

12 A Correct.

13 Q And that would include I assume you have
14 never been called in to consult with a change,
15 correct?

16 A Correct.

17 Q If the licensed electricians call you when
18 they have a problem or a concern, would it be you
19 then who makes a decision when to call the original
20 equipment manufacturer or someone else with more
21 technical knowledge?

22 A Primarily it would be me.

23 Q It seems to me that Van Leer and Proma
24 Technologies could have called someone every time a

1 drive needed to be changed, correct?

2 A Correct.

3 Q But someone made a decision that changes to
4 the drives would be done in house at Van Leer and
5 Proma Technologies, correct?

6 A I don't know that.

7 Q Do you know if drives have ever been changed
8 on those machines?

9 A The rewind drives? I don't know.

10 Q Okay. You have never been involved in a
11 decision whether to send for someone with more
12 expertise to change a drive or to do the drive change
13 in house, correct?

14 A Correct.

15 Q Whatever drive changes have been made or
16 haven't been made have been done without your
17 knowledge?

18 A I have no knowledge of a drive being
19 changed.

20 Q Right. So if one was changed, you weren't
21 consulted?

22 A That's a fair statement.

23 Q Is it fair to say that the changing of a
24 drive would not require your intervention?

1 A Yes.

2 Q What's the reason?

3 A We wouldn't have known of the existence of
4 it.

5 Q You wouldn't have know of the existence of
6 what?

7 A Of the switch that you pointed out.

8 Q You didn't know the switch existed?

9 A Correct.

10 Q Is it your understanding that no one at
11 Proma Technologies and no one at Van Leer knew that
12 switch existed?

13 A That's my understanding.

14 Q Where did that understanding come from?

15 A No one I have spoken to here knew of the
16 existence of that switch.

17 Q Anyone who looked at that binder of
18 electrical information would have known about the
19 switch, correct?

20 A If they had turned to that specific page.

21 Q Any one of the three pages that referenced
22 the switch we went through just a half an hour ago?

23 A I wouldn't agree to that.

24 Q Well, anyone who looked at Exhibit 6, which

1 is page 158, would know about the switch, correct?

2 A That's correct.

3 Q They would know the proper position for the
4 switch, right?

5 A They would know the proper position for S1
6 on this board, correct. Looking at that sheet that's
7 what they would surmise from that sheet and that
8 information on that sheet.

9 Q In fact somebody actually took a pen and
10 drew a circle around a position on the switch.

11 A That's correct.

12 Q Did you know Mr. George Rice?

13 A No.

14 MS. COUNIHAN: Can I interject here?
15 I think your point was there were three pages that
16 had that switch on it, and you just referred to one.

17 Q Certainly on that page. That may be the
18 only page that refers to the switch. The other pages
19 refer to the M59 module, correct?

20 A Correct.

21 Q You did not know Mr. Rice?

22 A I didn't know Mr. Rice.

23 Q Are you familiar with the term "Infranor
24 drive boards"?

ATTACHMENT 7

Volume I
Pages 1 to 110
Exhibits (None)

3 | UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

CIRIACO PUCCIO

6 Plaintiff(s),

7 v.. Civil Action
No. 03-CV-12359 MLW

8 METSO PAPER INC. AND
VALMET CONVERTING, INC.,
9 Defendant(s).

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

11
12 DEPOSITION OF HAROLD ISHERWOOD, a witness called
13 by counsel for the Plaintiff, taken pursuant to the
14 applicable rules, before Diane L. McElwee, Registered
15 Merit Reporter and Notary Public in and for the
16 Commonwealth of Massachusetts, at the Offices of
17 Proma Technologies, 24 Forge Park, Franklin,
18 Massachusetts, on Friday, February 4, 2005,
19 commencing at 10:05 AM.

20

21

22

23

JAMES GIBBONS & ASSOCIATES
617-428-0402

1 could either have a drive on one arm or both arms; is
2 that correct?

3 A Correct.

4 Q Do you know in March of 2002 whether the
5 winding stations on Atlas Slitter 1 had the drives in
6 one arm or two?

7 A Are you referring specifically to the time
8 at which Mr. Pucillo had his accident?

9 Q Correct.

10 A At the specific time he had his accident,
11 the winding arms had a drive in each arm.

12 Q When you say at the time of his accident,
13 are you referring then to just Winding Station 2 or
14 all of the winding stations on Atlas Slitter 1?

15 A They were only using one winding station.

16 Q Correct.

17 A The winding station that created the
18 accident was using two winding arms, both of which
19 had motors in them.

20 Q That was Winding Station 2, correct?

21 A Yes, without looking at my notes.

22 Q Do you know, for example, Winding Station 1,
23 I realize -- strike that.

24 Do you know whether any of the other

1 A Okay. I am going to refer now to the
2 document. I am going to go to my conclusion.

3 My conclusion is the primary cause of
4 the accident was an uncontrolled overspeed of one of
5 the winding arm motors. This coupled with the arms
6 lifting, differential torque of one arm motor to the
7 other created a situation where the core was ejected
8 at high speed from the winding arms. The cause of
9 the uncontrolled overspeed was incorrect setting of
10 the latches on the Infranor PWM Dc servo drive.

11 Q Are you the person that I should ask what
12 that means in lay terms?

13 A No. You should ask our electrical engineer.

14 Q Okay.

15 Do you have an understanding as the
16 operations manager as to what caused the accident?

17 A Yes.

18 Q What is your understanding?

19 A My understanding is that the latch was
20 incorrectly set which caused the overspeed.

21 Q The latch being?

22 A On the drive.

23 Q On the daughter card on the mother board of
24 the drive?

1 Q If you look at the top row under "Setup
2 arms" it says, 3R and 3L with a zero in between. Did
3 that mean that Arm No. 3, 3 right and 3 left, there
4 is no core? And 2 right and 2 left, between these
5 two arms there is a 60-inch core?

6 A Between?

7 Q Between 2R and 2L it shows 60 inches.

8 A Yes.

9 Q As I read your report, under "Setup arms" it
10 seems to suggest that there are six sets of arms.

11 A Yes.

12 Q Numbered 1 through 6 each with a right and
13 each with a left.

14 A Yes.

15 Q It seems to suggest that all of the arms
16 were empty at the time of the accident, except for
17 Arms 2R and 2L?

18 A Correct.

19 Q And 2R and 2L held a 60-inch core.

20 A Correct.

21 Q So does that mean that there are really not
22 four sets of arms but six on this machine?

23 A Most of the widths that we ran on the
24 machine -- the web we put into the machine is a

ATTACHMENT 8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO,)
vs)
Plaintiff,)
vs) CASE NO. 03-CV-12359 MLW
METSO PAPER, INC., and)
VALMET CONVERTING, INC.,)
Defendants.)

)

COPY

DEPOSITION

OF

RONALD DEAN PURCELL

Taken by Plaintiff
Charlotte, North Carolina
February 8, 2005

Reported by: Colleen J. Cain, CSR

Cain & Crane Court Reporters, LLC
Post Office Box 23833
Charlotte, North Carolina 28227
Phone (704) 545-3510 * Fax (704) 545-3950

1 A. April 2, 1950.

2 Q. What is your residential address?

3 A. 905 Woodhurst Drive, Monroe,

4 North Carolina 28110.

5 MS. COUNIHAN: For the record, it's been
6 agreed that all objections will be made on the
7 record, as Mr. Purcell is an out-of-state
8 witness.

9 BY MS. COUNIHAN:

10 Q. Can you please tell me your education.

11 A. I graduated from high school in 1968. I
12 attended UNCC, University of North Carolina at
13 Charlotte, for about a year, year and a half.
14 Joined the Army, and went to electronics and
15 radar technician school in Fort Bliss, Texas.
16 And that's about it.

17 Q. Do you hold any licenses?

18 A. No.

19 Q. Do you hold any degrees?

20 A. No.

21 Q. Do you hold any special certificates?

22 A. No.

23 Q. Are you presently employed?

24 A. Yes.

25 Q. By whom?

1 A. Bobst Group USA.

2 Q. For how long have you been employed by
3 Bobst Group?

4 A. Just slightly over one year, I believe.

5 Q. That would go back to about January of
6 2004?

7 A. First of February.

8 Q. And am I correct that prior to -- strike
9 that. Who were you employed by prior to February
10 of 2004?

11 A. Valmet Converting.

12 Q. And for what period of time were you
13 employed by Valmet Converting?

14 A. About five years, I believe.

15 Q. Prior to Valmet, where were you
16 employed?

17 A. Atlas Converting Equipment.

18 Q. For what period of time were you
19 employed by Atlas Converting?

20 A. Probably, I guess, eleven years.

21 Q. And prior to Atlas?

22 A. Prior to Atlas, I was self-employed.

23 Q. Am I correct that Atlas Converting was
24 purchased by Valmet Converting?

25 A. That's the way I understand it, yes.

1 also driven by, on that machine, a pair of
2 motors. So the material is driven onto the core
3 by the red rubber rolls we call pull rolls, and
4 the tension is taken up through the center drive
5 of the two rewind motors.

6 Q. And the rewind arms hold cores, correct?

7 A. Correct.

8 Q. How many cores can the Atlas slitter
9 CSE1250R hold?

10 A. It varies with machine.

11 Q. That particular serial number, 92036,
12 how many can that particular piece of equipment
13 hold?

14 A. The best I remember, five.

15 Q. I'm just going to show you something and
16 ask you if you can identify that.

17 A. Yes, I can identify that.

18 Q. What is that?

19 A. That is the operating manual for the
20 Atlas model CSE1250R, contract number 92036.

21 Q. Is there a different operating guide for
22 every piece of equipment?

23 A. Yes.

24 Q. So if I were to look at an operating
25 guide for this exact same model, but a different

1 A. Right, or looking down.

2 Q. From the top?

3 A. From the top looking down.

4 Q. Okay. So for each of the cores, it
5 would involve two rewind arms, correct?

6 A. Yes.

7 Q. And are those identified as left and
8 right?

9 A. Yes.

10 Q. In each of these assemblies consisting
11 of a left and right arm and the core, are those
12 considered winding stations?

13 A. Yes.

14 Q. So if there were -- did you say how many
15 cores there are on this particular piece of
16 equipment?

17 A. To the best of my knowledge, on that
18 machine, there are five rewind stations.

19 Q. Does each rewind arm on that piece of
20 equipment have its own drive?

21 A. Yes.

22 Q. Does each drive have its own circuit
23 board or control board?

24 A. Yes.

25 Q. My understanding was that some of the

1 arms -- or some of the winding stations are
2 one-arm-driven versus two-arm-driven.

3 A. I can't remember on that machine.

4 Q. Are you familiar, in general, with some
5 winding stations that are one-arm-driven versus
6 two-arm-driven?

7 A. We have some machines that are
8 one-arm-driven. We have some machines that are
9 two-arm-driven. We have some machines where you
10 can select whether it's one-arm-driven or
11 two-arm-driven.

12 Q. But you don't have a memory as you sit
13 here today of how many of the winding stations at
14 the Proma facility or the Van Leer facility are
15 one-arm-driven?

16 A. I could not say for certain, no.

17 Q. Is it your understanding then that there
18 are ten drives in total in that piece of
19 equipment?

20 A. Yes.

21 Q. And has that --

22 MR. KELLEHER: Just so the record is
23 clear, when you're referring to drives, you're
24 referring to Infranor drives, as opposed to all
25 of the drives on the machine?

1 A. I don't know the specifics.

2 Q. Is this Rick Howe's territory or area?

3 A. That's his area of expertise.

4 Q. Are there different model numbers for
5 the Infranor boards?

6 A. Yes.

7 Q. How many different model numbers are
8 there for the Infranor boards that would be used
9 in the model number or serial number 92036
10 slitter?

11 A. To my knowledge, only one.

12 Q. Is that the SMVE2420M59?

13 A. Yes.

14 Q. And did that replace the SMVE2420M55?

15 A. Yes.

16 Q. Do you know when that transition or
17 change took place?

18 A. I don't know.

19 Q. Do you know whether it was prior to
20 2000?

21 A. I don't know.

22 Q. We're going to come to that in a second.
23 What is the difference between the M59 and the
24 M55, without going through all those other
25 numbers?

1 A. As far as I'm aware, the difference
2 between the M55 and the M59 is state-of-the-art
3 change in components. They changed from what we
4 call discrete, meaning resistors with little
5 wires on the end that plug through holes in the
6 printed circuit boards, to what is called surface
7 mount technology, where the resistors are very
8 small and they soldered directly on top of the
9 board. There are no holes passing through the
10 board. As far as I know, that's the only
11 difference between the two drives.

12 MS. COUNIHAN: Those documents that I
13 gave you this morning that I said were copies, do
14 you have that package handy?

15 MR. KELLEHER: Yes.

16 BY MS. COUNIHAN:

17 Q. While I'm looking through this, let me
18 ask you this. Once the transition went from the
19 M55's to M59's, were the M55's discontinued?

20 A. To my knowledge, yes.

21 Q. So if you were to see that a purchase
22 was made of an M59, you could assume that at
23 least as of that date they had been switched over
24 to M59's, correct?

25 A. You could assume that, yes.

1 A. Correct.

2 Q. Can you describe the switches?

3 A. The switch is a small piece of wire.

4 It's hard to do with my fingers.

5 Q. Like a hook?

6 A. One half of the switch is like a hook.

7 There are two hooks, and then one like a

8 spring-loaded piece of wire that either hooks

9 under one hook or the other hook.

10 Q. That's where you lose me. There's two
11 hooks, right?

12 A. (The witness nodded.)

13 Q. And then a spring-loaded piece of wire
14 that hooks under one of those two hooks?

15 A. Correct.

16 Q. And are those the only switches on the
17 daughter board?

18 A. To my knowledge, yes.

19 Q. And is it fair to say that the two hooks
20 are referred to as position A or B?

21 A. Correct.

22 Q. And one of them is the tachometer and
23 one of them is the armature voltage feedback?

24 A. Correct.

25 Q. And for Proma, all of those would be on

1 the armature voltage feedback?

2 A. Correct.

3 Q. Who sets those?

4 A. I don't know.

5 Q. How are they set?

6 A. You just take your finger and push it
7 down, unhook it from one hook, move it over, hook
8 it under the other hook.

9 Q. How long does the whole thing take to
10 set?

11 A. Two seconds.

12 Q. In your capacity as a field service
13 engineer with Atlas or Valmet, did you set those
14 switches?

15 A. No.

16 Q. At any time when you were at Proma's
17 facility, did you set those switches?

18 MR. KELLEHER: I object.

19 BY MS. COUNIHAN:

20 Q. Prior to the accident, did you set those
21 switches?

22 A. No.

23 MR. KELLEHER: Are you doing okay?

24 THE COURT REPORTER: Yes.

25 MS. COUNIHAN: Do you want to take a

1 possibly Dave Peavy. I don't remember exactly.

2 Q. Did you also work with Harold Isherwood?

3 A. No. I think there was a meeting
4 possibly at the end where Harold was there. But
5 I don't remember exactly.

6 Q. Did you know Mr. Isherwood from prior
7 visits at Proma?

8 A. I had met him before, yes.

9 Q. What did you do as far as your
10 investigation was concerned?

11 A. We went through a lot of reasons why
12 either the arms could lift off the drum or why
13 the rewinds could accelerate to something above
14 what you would consider a reasonable speed.

15 A lot of things were discussed and
16 eliminated as possibilities. So then we got down
17 to actually focusing on the drives, because it
18 appeared that everything external to the drives
19 was working correctly. So we focused on the
20 drives, specifically whichever arm, 2 left or
21 2 right --

22 Q. You can refer to your report if that
23 would help you. For the purposes of the record,
24 though, if you could tell me when you're reading
25 from your report versus when you're telling me

1 your independent knowledge.

2 A. Reading from my report, we focused
3 initially on the drive for controlling arm
4 2 left. That particular drive had the switch in
5 the neither position, neither armature voltage
6 feedback nor tachometer feedback.

7 Q. How does it appear when it's in neither
8 position? Hanging straight down?

9 A. No, it sort of sticks up at an angle,
10 because it has tension on it. So that when you
11 hook it, it's trying to pull up, but it can't,
12 because it's hooked under the hook. So when it's
13 not in either position, it sort of points up at
14 an angle.

15 Q. Okay.

16 A. And from there, once we found that that
17 one was incorrect, I just went through all the
18 rest of the drives and checked every daughter
19 board on every drive. And then --

20 Q. Before we get to "and then," what did
21 you find on the inspection of the other drives?

22 A. Reading from my report, 2 left, the
23 switch was in the neither position. 2 right was
24 correct. 1 left was in the wrong position. 4
25 right was in neither position. And 5 left was in

1 Q. Oh, okay.

2 A. US, we call them jumpers. UK calls them
3 links.

4 Q. So when you say standard operating
5 procedures is to check the switches, jumpers, and
6 links, that doesn't mean particularly to this
7 Infranor drive board, correct?

8 A. No, this is a general, for anything
9 electronic.

10 Q. And the standard operating procedures,
11 is that a written procedure?

12 A. No.

13 Q. You indicated earlier that the arms
14 lifted up prior to the core being ejected,
15 correct?

16 A. Correct.

17 Q. Were you able to determine the cause of
18 the arms lifting up?

19 A. No.

20 Q. If the speed control switch had been set
21 correctly, would the arms have lifted up?

22 A. No, the two are not related at all.

23 Q. If the speed control switch had been set
24 properly, though, would the core have been
25 ejected?

1 A. No.

2 Q. Because I'm correct that the core was
3 ejected because the speed control switch was set
4 inappropriately or incorrectly, correct?

5 A. That, and the combination of the arms
6 lifting off the winding drum.

7 Q. But I'm just trying to decide, the arms
8 lifting off the winding drum, were you ever able
9 to figure out the cause of that?

10 A. No, we never saw it again, couldn't make
11 it happen again.

12 Q. And if the speed control switch had been
13 set correctly, the fact that the arms lifted up
14 would not have caused the core to eject, correct?

15 A. Correct.

16 Q. Were you able to verify that the machine
17 had reset from the job prior to Mr. Pucillo's
18 job?

19 A. When I got there, it appeared that
20 everything had reset to be ready for the next
21 order.

22 Q. So were you able to eliminate that as a
23 cause of this accident?

24 A. Right.

25 Q. Were you able to determine the precise

1 cause of the accident?

2 MR. KELLEHER: Is that different than
3 the other two causes he's talked about already?

4 MS. COUNIHAN: That's what I'm trying to
5 figure out.

6 BY MS. COUNIHAN:

7 Q. I know that the arms went up, but that
8 wasn't necessarily the cause of the accident,
9 correct?

10 A. Right.

11 Q. The speed control switch was not set
12 properly, and that was a cause of the accident,
13 correct?

14 A. Correct.

15 Q. Were there any causes other than the
16 speed control switch being improperly set, that
17 you were able to determine?

18 A. No.

19 Q. After returning to North Carolina, did
20 you have any meetings with anyone from Valmet
21 with respect to your findings at this particular
22 investigation?

23 A. Not that I recall.

24 Q. Were any changes made to the procedure
25 by which Proma would obtain their boards as a

1 result of this accident?

2 MR. KELLEHER: Objection.

3 A. I don't know.

4 Q. Were any other of Atlas/Valmet's

5 customers notified of this particular accident?

6 MR. KELLEHER: Objection.

7 A. I don't know.

8 MS. COUNIHAN: I have nothing further.

9 CROSS-EXAMINATION

10 BY MR. KELLEHER:

11 Q. Mr. Pucillo, let me just ask you two

12 questions to clarify the record.

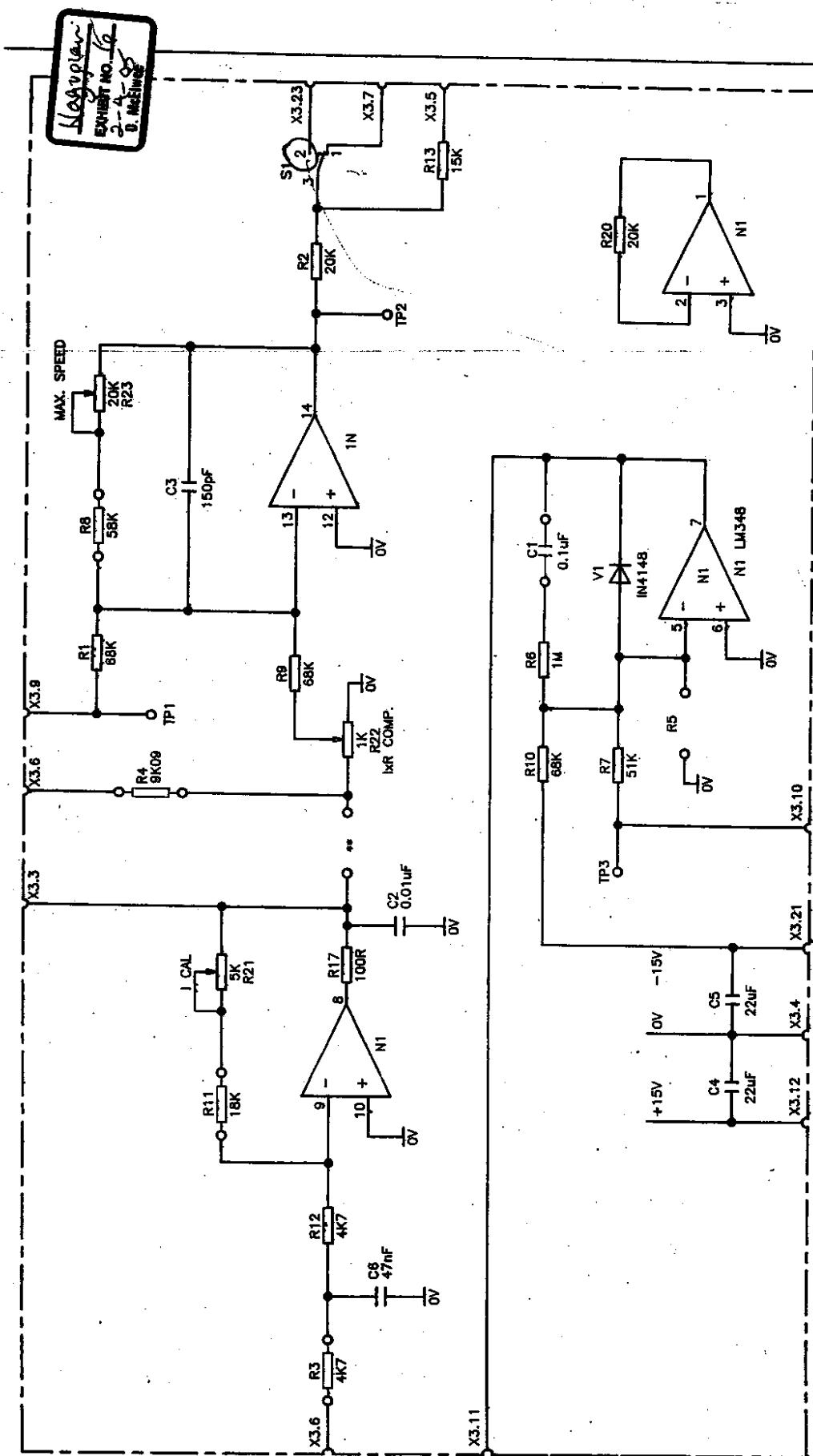
13 You testified a moment ago about the
14 cause of Mr. Pucillo's accident. Is it correct
15 to say that if the switch was in the proper
16 position, this accident would not have happened?

17 A. That's correct.

18 Q. Is it also fair to say and correct to
19 say that if the arms did not lift off the
20 machine, the accident would not have happened?

21 A. My opinion is yes, if the arms had never
22 lifted off the drum, this other problem with the
23 drives could be existing today and we still
24 wouldn't know about it. It took a combination of
25 both events for this to happen.

ATTACHMENT 9



OS13 FOR USE WITH SLAVE 2420 [M55][M59]
SET S1 TO POS. 1 FOR M55 [NON-SMT]
SET S1 TO POS. 2 FOR M59 * ALTERNATIVE POSITION FOR R4

DRAWING FROM	SPARE WIRE NUMBERS	VAN LEER [920356]
ENGINEER	M.PHILLIPS	
DRAWN	T.FRAMPTON	
DATE	6/6/83	158

ATLAS
CONVERTING EQUIPMENT

INFRANOR ARMATURE FEEDBACK
BOARD OS13
A800743

ATTACHMENT 10

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Ciriaco Pucillo,)	
)	C.A. NO. 03-CV-12359 MLW
Plaintiff,)	
)	
vs.)	
)	
Metso Paper Inc. and Valmet)	
Converting, Inc.,)	Deposition of:
)	ROBERT LYONS
Defendants,)	
)	

COPY

The deposition of Robert Lyons was taken pursuant to the Federal Rules of Civil Procedure, before Sarah B. Fry, a Notary Public in and for the State of South Carolina, at The Crown Reef IV Resort, 2913 South Ocean Boulevard, Myrtle Beach, South Carolina, 29576 on February 15, 2005, commencing at 11:07 a.m.

**ADVANTAGE COURT REPORTING
OF MYRTLE BEACH**
407 Luttie Road, Myrtle Beach, SC, 29588
843-293-2039

- 1 Q. Where is their office in the United States?
- 2 A. The office in the United States was in Charlotte, North
- 3 Carolina. It still is, Charlotte, North Carolina.
- 4 Q. They still have an office, to the best of your knowledge, in
- 5 Charlotte, North Carolina?
- 6 A. Not – no. Now it's Bobst. Sorry.
- 7 Q. Well, I think that's what I'm trying to get clarified here, so
- 8 that when we refer to a particular entity, I have the right
- 9 entity. When you – let me just ask, when did you retire?
- 10 A. In December of 2001. No, December, 2002.
- 11 Q. Okay. And at that time, you were working for Valmet
- 12 Converting, correct?
- 13 A. Correct.
- 14 Q. With an office where?
- 15 A. Charlotte, North Carolina.
- 16 Q. What was the street address?
- 17 A. Arrow Ridge Boulevard.
- 18 Q. And for how long had you been working for Valmet?
- 19 A. Since they purchased us, approximately five years before
- 20 that. So it would be '97.
- 21 Q. Valmet purchased who?
- 22 A. Valmet in Finland purchased Atlas in England.
- 23 Q. Do you know the address for the facility of Atlas in
- 24 England?
- 25 A. Yes. Kempston. I don't know the street address, but

1 Kempston is the town, and Bedfordshire is the county.

2 Q. And for how long has Atlas been located or had a facility in
3 Kempston, Bedfordshire?

4 A. Twenty years.

5 Q. Okay. So it's your understanding that in 1997, in or about
6 1997, Valmet in Finland purchased Atlas in England?

7 A. Correct.

8 Q. And the facility in North Carolina changed its name to
9 Valmet?

10 A. Yes.

11 Q. What had it been prior to Valmet?

12 A. Atlas Convert – Atlas Group, Americas.

13 Q. And for how long had it been Atlas Group, Americas?

14 A. Oh, four or five years.

15 Q. What had it – what was it prior to Atlas Group, Americas?

16 A. Atlas Converting Equipment, USA.

17 Q. And for how long was it Atlas Converting Equipment, USA?

18 A. Oh, I would say for approximately fifteen years.

19 Q. Did the change from Atlas Converting Equipment, USA to
20 Atlas Group, Americas result from any particular
21 transaction, or was it simply a name change?

22 A. Basically just a name change.

23 Q. So Atlas Group, Americas didn't purchase Atlas Converting
24 Equipment?

25 A. Nope.

1 closed and went to Atlanta.

2 Q. Okay. Let's mark that.

3 **(PLAINTIFF'S EXHIBIT TWO, ONE PAGE COPY OF MEMO,**
4 **WAS MARKED)**

5 Q. For the record, that document is Exhibit Two. Now, this
6 document, the second paragraph indicates, "Valmet
7 Converting, Inc., previously Atlas Group, Americas," that
8 was the American company of the British organization,
9 correct?

10 A. Correct, uh-huh.

11 Q. "... includes Valmet General, previously General Vacuum
12 Equipment." What's that?

13 A. That was another division of the British company that made
14 similar equipment, originally located in Connecticut, and
15 came down and joined us in North Carolina sometime.

16 Q. Did they have anything to do with the Atlas slitters?

17 A. No.

18 Q. All right. Then it says, comma, "Valmet Atlas, previously
19 Atlas Converting Equipment." What does that mean?

20 A. Okay. I didn't realize Valmet Atlas was an official name. I
21 guess that's saying Valmet Atlas is an official name.

22 Q. So Atlas Converting Equipment, which was the predecessor
23 to Atlas Group, Americas, became Valmet Atlas?

24 A. Evidently.

25 Q. And do you know where they were located?

1 A. Everything was located at the Arrow Ridge or – everything
2 was located at the Arrow Ridge address, yeah.

3 Q. Okay. So am I correct that Valmet Converting would –
4 Valmet Converting, Inc. would be considered the parent
5 company of Atlas in England?

6 A. Huh-uh.

7 Q. Or vice versa?

8 A. Vice versa.

9 Q. Okay. And so it's just Valmet Converting, Inc. consolidated
10 the American versions of those companies.

11 A. Exactly. Exactly.

12 Q. Is that fair to say?

13 A. Uh-huh.

14 Q. All right.

15 MS. JOHNSON: Just try saying yes or no.

16 A. Yes. Yes.

17 Q. It's very tempting to just nod your head, I know. Okay.
18 From the period of time from 2000, when you moved into
19 Sam Neely Boulevard, or up until two thousand – or
20 December of 2002, when you retired, did you always work,
21 then, for Valmet Converting, Inc.?

22 A. Yes.

23 Q. Okay. That was the name of the entity that employed you
24 during that period of time, correct?

25 A. Uh-huh. Yes.

1 Q. And for that entire period of time, was Valmet Converting,
2 Inc. a subsidiary of Atlas in England?

3 A. Legally, I don't know how – I can't recall exactly how it was
4 set up. But operationally, yes. We basically worked for the
5 subsidiary of England.

6 Q. Okay. And are you aware at all of the transaction that
7 occurred in 2004, whereby Bobst purchased Valmet and
8 Atlas?

9 A. I'm aware of it, but it was after my time, so I'm not involved
10 in it.

11 Q. Okay. Fair enough. If at any time during the course of this
12 deposition I use the wrong entity, be it Valmet, or Valmet
13 Converting, or Valmet Atlas, if you could just point out to
14 me that I'm referring to the wrong people, so that the record,
15 then, when we read the transcript, is correct as to who is the
16 proper party. In addition to Atlas changing from Atlas to
17 Valmet to Bobst, as you know, at the other end of this
18 situation, Van Leer became Proma. So it's very difficult to
19 figure out who exactly are the players at the particular
20 moments that we're talking about. But I think if we just go
21 through it slowly enough, we can figure out as to a particular
22 point of reference who it is we're dealing with.

23 A. Fine.

24 Q. But I would just ask, if I'm way off, let me know which
25 company I should be talking about.

1 other than Charlotte, were there any other locations within the
2 United States that Atlas or Valmet had a physical facility?

3 A. Yes. Sometime in the late 80's, I believe, we bought another
4 company in England known as General Vacuum Equipment.
5 They had an office in Connecticut.

6 Q. Do they still have an office in Connecticut?

7 A. No. They joined us in Charlotte in the mid 90's. I couldn't
8 tell you a date.

9 Q. Do you know whether it was after or before the date on
10 Exhibit Number Two, which is May 9th of 2000?

11 A. It was before that, yes. It was before that.

12 Q. Okay. Can you describe for me the business that you started
13 here in 1987? What type of business was it?

14 A. The object of starting the business in the states was to sell and
15 manufacture slitting equipment.

16 Q. Would any of the manufacturing of the slitters take place in the
17 United States?

18 A. At that time, yes.

19 Q. For how long did the facility in the United States manufacture
20 slitters?

21 A. About four years.

22 Q. The Atlas slitter that was involved in this particular accident,
23 do you know where that machine was manufactured?

24 A. Yes.

25 Q. Where?

1 A. England.

2 Q. So by the time Van Leer purchased that piece of equipment,
3 the manufacturing in the United States had ceased?

4 A. Correct.

5 Q. Okay. At any time since that point, have they started
6 manufacturing slitters again in the United States?

7 A. No.

8 Q. After they stopped manufacturing the slitters, did they
9 continue to sell the slitters?

10 A. Yes.

11 Q. Did they offer service?

12 A. Yes.

13 Q. I think I said that wrong. Did they also service those slitters?

14 A. Yes.

15 Q. And would that be done out of the facility in North Carolina as
16 well?

17 A. Not a hundred percent. In a lot of cases, we still got service
18 from England, but the goal was for the Charlotte operation to
19 do all the servicing of all US machines.

20 Q. How many US machines were there back in 1987?

21 A. A hundred and fifty, roughly.

22 Q. Approximately how many machines, Atlas slitter machines,
23 were there in the United States when you retired in December
24 of 2002?

25 A. Gosh. Two hundred and fifty. Those are very rough guesses.

1 Carolina.

2 A. Right.

3 Q. Off the record.

4 (A SHORT BREAK WAS TAKEN OFF THE RECORD)

5 EXAMINATION CONTINUED BY MS. COUNIHAN:

6 Q. Okay. I think when we went off the record there, I was trying
7 to determine the size of Valmet in North Carolina. And I'm
8 really just looking for some sense of, has the company grown
9 exponentially over the past fifteen years? Has it pretty much
10 stayed the same? Just some general sense of where the
11 company was going.

12 A. Okay. I'll address just that little operation that we just
13 described. I started by myself in about '86. When we were
14 manufacturing equipment, we got up to about twenty-five
15 people. We stopped manufacturing equipment, and in about
16 1990, and decided just to keep spare parts and service
17 personnel. And at that point, we were down to about five
18 people and then built it up to the point where Valmet bought
19 us in '96, whatever it was. We were about twenty people,
20 which at that point would have included the General Vacuum
21 Equipment joining us, and that was only three people.

22 Q. Okay. And then – all right. So that brings you up to 1997,
23 when Valmet bought Atlas.

24 A. Correct.

25 Q. And then what about from 1997 to 2002? That's roughly –

- 1 Infanor drives as well?
- 2 A. Probably not.
- 3 Q. Okay. You indicated that the third factor in determining the
4 model would be production requirements. What did you mean
5 by that?
- 6 A. By that, I mean primarily the speed of the paper through the
7 machine.
- 8 Q. So that's sort of a derivative of your speed criteria?
- 9 A. Uh-huh, yes.
- 10 Q. And this particular machine can go – has a maximum speed of
11 three thousand feet per minute. Is that correct?
- 12 A. I don't recall specifically, but that sounds about right.
- 13 Q. And you said that would be considered at the faster end of the
14 spectrum?
- 15 A. Yes.
- 16 Q. Were you involved with the sale of the Atlas slitter to Van
17 Leer?
- 18 A. Not initially.
- 19 Q. Who was initially involved from Atlas?
- 20 A. The primary sales contact on this product, on this project, was
21 Chris Rogers.
- 22 Q. And was he in the United States or in England?
- 23 A. England.
- 24 Q. Do you know how he became involved? Did Van Leer
25 approach him?

- 1 A. Van Leer – yes. Van Leer – Chris Rogers basically worked
2 with the Van Leer people from Finland on the original sale of
3 the machine.
- 4 Q. Okay. So Van Leer's parent corporation was in Finland at the
5 time?
- 6 A. Correct.
- 7 Q. And Chris Rogers was involved with that facility or company?
- 8 A. Correct.
- 9 Q. And they were negotiating the purchase of an Atlas slitter for
10 use in the United States, correct?
- 11 A. Precisely, yeah.
- 12 Q. And at that point, the Van Leer facility was in Framingham?
- 13 A. Yes.
- 14 Q. Did you ever go to Framingham?
- 15 A. Yes.
- 16 Q. When did you first get involved?
- 17 A. After the machine was delivered to Framingham.
- 18 Q. And how did you get involved?
- 19 A. Because the machine came to the states, it was logical that
20 somebody from this side be the primary contact. So I became
21 the primary contact.
- 22 Q. By that time, had the serial number, for lack of a better word,
23 been established for that particular machine?
- 24 A. The serial number is established the day the machine is
25 ordered.

- 1 Q. Okay. Well, that's what – that's where I'm going with this.
2 By the time you were involved, the machine had already been
3 set up to accommodate the Van Leer application, correct?
4 A. Absolutely.
5 Q. All right. Do you know, or did you become aware of what
6 information Van Leer had given Atlas with respect to the
7 application that they'd be using the machine for?
8 A. Not directly.
9 Q. Have you ever seen any writings or communication back and
10 forth between Van Leer and Atlas regarding what the machine
11 was going to be used for?
12 A. I'm sure I have, but I don't remember specifically.
13 Q. So by the time you got involved, the machine had been
14 delivered to Framingham?
15 A. Yes.
16 Q. And what was the reason that you first went up there?
17 A. I don't recall.
18 Q. Is that customary, when someone – when a customer
19 purchases a machine, that some representative from the
20 company would go to the facility?
21 A. Exactly, yes.
22 Q. And is that type of a – is that part of a training program?
23 A. It's just customer service. You know, to introduce ourselves
24 as, you know, their primary contact. If the machine is built in
25 England and running here, we want them to look to us for

1 spares and service. So yes, I would introduce myself, if I
2 didn't already know them, and convince them to deal directly
3 with us rather than going back to England for everything.

4 Q. So it was really more of an introductory meeting?

5 A. Basically.

6 Q. Do you know when that took place?

7 A. That would have taken place shortly after the machine was
8 installed and started, and actually put into production.

9 Q. And if I were to suggest 1993, does that sound about right?

10 A. Yes.

11 Q. And prior to that, had Atlas sent engineers over to the United
12 States?

13 A. Atlas would have sent engineers over to install, or to supervise
14 the installation, and to instruct the operators in the operation of
15 the machine.

16 Q. What I guess I'm trying to get a sense of is how it is that Atlas
17 learns what modifications need to be made to a machine before
18 it's actually shipped to the United States.

19 A. Well, before it's built, the sales personnel – in this case, Chris
20 Rogers – would have meetings with the potential buyer, to go
21 through all the specifics of their requirements, and that would
22 result in us recommending certain features on the machine.

23 Q. And those meetings would have taken place in England,
24 correct?

25 A. England or Finland in this case.

1 A. No.

2 Q. Is there anyone from Atlas in the United States or Valmet in
3 the United States that could look at a drive board and tell if a
4 switch was connected incorrectly?

5 A. Well, if he had the drawing telling him where it should be,
6 with that drawing, he could then look at the board and see if
7 it's correct or not.

8 Q. But he'd have to pull out the drawing?

9 A. I believe so.

10 Q. The switches that were set on the – strike that. When the
11 machine was sent over to Framingham, is it fair to say that the
12 drive boards were in it, the Infanor drive boards were in it?

13 A. Yes.

14 Q. And those Infanor drive boards would have already had their
15 switches set, correct?

16 A. Yes.

17 Q. And those would have been set by the engineers in England,
18 correct?

19 A. Yes.

20 Q. And when they came to the United States, in order to make the
21 machine operational, they didn't need to reset the switches,
22 correct?

23 A. Correct.

24 Q. And were you involved with the training of the Van Leer
25 employees at that time with respect to how to use the machine?